

ANDOVER CONSERVATION COMMISSION MEETING MINUTES
AUGUST 19, 2104

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Ellen Townson, Jon Honea, Commissioner Kevin Porter and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

97 North Street

Present in Interest: Maureen Hanley, Jeff Bridge, Stephen Hinckley and Rich Guilmette

Staff Recommendation: Approve as Pos.2a, Pos.5 and Neg.3

Continued Public Hearing on a Request for Determination of Applicability filed by Stephen Hinckley-Hinckley Brothers, Inc. under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed tree cutting and grading for the construction of a single family dwelling located outside the 100 foot buffer zone, except for portions of the deck at **97 North Street**.

Agent Cleary presented this to the Commission. The filing was continued from July 1, 2014 for peer review. The filing is complete under the WPA and By-Law. Ms. Hanley provided updated plans to the Commission. Mr. Bridge provided his report to the Commission. A few flags were revised on the wetland line. There were no hydric soils to support where the wetland plants are growing and there is a forested area which is clearly upland from the project. There is some debris outside the buffer which the Applicant has agreed to remove. The entire deck is within the 100 foot buffer and a small corner of the home is 52 feet from the BVW. The project meets or exceeds our setback requirements. Mr. Bridge recommends erosion control inspections, no tree clearing 50 foot setback, removal of debris and 25 foot non-disturb markers to be installed. The RDA filing is appropriate for this project and staff can condition appropriately. Agent Cleary recommends limited site monitoring during specific events such as foundation installation; erosion controls; non-disturb bounds; final inspection and major storm events. Jeff Bridge can do “drive by” inspections during major storm events.

Staff will draft letter regarding inspections being done pro bono during significant events. Staff also to add to Special Condition No. 12 “Applicant to notify inspector and/or staff upon significant events for inspection”.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to Approve as Poss.2a, Pos.5 and Neg. 3; it was seconded by Commissioner Driscoll and unanimously approved.

4 Manning Way

Present in Interest: Bill MacLeod

Staff Recommendation: Approve as Pos.2a, Pos.5, Neg.2 and Neg. 3.

Public Meeting on a Request for Determination of Applicability filed by Fieldstone Meadows Development Corp. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a single family dwelling with appurtenant grading, driveway and utilities at **4 Manning Way**.

Agent Cleary presented this to the Commission. The filing is complete under the WPA and By-Law. There has been an approved lot reconfiguration at Manning Way. 4 Manning Way has been subdivided into 2 Manning Way and 4 Manning Way. The delineation is accurate as depicted on the plan and reviewed by Staff. Wetland flagging depicted on the Plan shall be reestablished on site to comport with the approved plan prior to commencement of work. All of the work is outside the 100 foot buffer. The filing of an RDA is appropriate for this project. Mr. MacLeod stated that all setbacks for this project are met and bounds will be installed at 6 Manning Way and 2 Manning Way.

Agent Cleary stated that Scott Kelloway, a site monitor, will drive by when he is inspecting other sites. Special Condition No. 10 will be changed to reflect this.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.2a, Pos.5, Neg.2 and Neg.3; it was seconded by Commissioner Greenwood and unanimously approved.

2 Manning Way (formerly 4 Manning Way)

Present in Interest: Bill MacLeod

Staff Recommendation: Close Public Hearing and issue Amended Order of Conditions.

Public Hearing on a Request for an Amended Order of Conditions by Fieldstone Meadows Development Corp. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed lot line revisions, reduced dwelling footprint, revised grading and revised limit of clearing at **2 Manning Way**.

Agent Cleary presented this to the Commission. The filing is complete under the WPA and By-Law and has a valid Order of Conditions. The delineation is accurate as depicted on the plan, adjustment to flagging has not been made in the field, but is conditioned in the Amended Order. All setbacks are met and the revised plan shows the correct haybale location. All Special Conditions of the original Order of Conditions issued remain in full force and effect. There will be no stockpiling in the resource area.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to close the Public Hearing and Issue the Amended Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

Chestnut Street-Andover Housing Authority

Present in Interest: Mike Carter

Staff Recommendation: Close Public Hearing and Issue Order of Conditions.

Public Hearing on a Notice of Intent filed by Andover Housing Authority under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed emergency replacement of an existing sewerage pumping station serving the **Andover Housing Authority Chestnut Street Elderly Development.**

Agent Cleary presented this to the Commission. Filing is complete, however some waivers are requested under the Act only. Waivers are requested or relief from a delineation, plan requirements and depicting 25 foot non-disturb, 50 foot no-build and 100 foot buffer. There will be no change in contours with work occurring in the outer riparian zone of Rogers Brook grandfathered under 310 CMR 10.58 (6)(c) . Pump station will be replaced in kind. There are no DEP Comments. Staff will assist with erosion control placement. Mike Carter stated that the pumps are failing on a regular basis and replacement needs to be done as soon as possible.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve the waiver requests; it was seconded by Commissioner Driscoll and unanimously approved. Commissioner Honea made a Motion to Close the Public Hearing and Issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

276 North Main Street

Present in Interest: Maureen Hanley

Staff Recommendation: Close Public Hearing and Issue Order Conditions.

Continued Public Hearing on a Notice of Intent filed by **Lowell Street Investments, LLC** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed regrading and paving of 2000 square feet for compensatory parking at **307R Lowell Street.**

Mr. Douglas presented this to the Commission. This was continued from August 5, 2014 for a site walk and for the Applicant to apply for required local permits. Waivers are requested for the 50 foot no-build and the 25 foot no-disturb. The reconstruction of this building is closer than what the Commission would normally allow, however this is a historic site and a historic structure which is being rebuilt on the existing foundation. The Preservation Commission fully supports this application.

Chairman Cooper inquired if there is an exemption regarding rebuilding a structure after a fire in either the Act or the By-Law. There is an exemption in the By-Law for repair/maintenance of a building.

Commissioner Greenwood asked if the exiting pipes sticking out of the ground would be filled and abandoned.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to grant the Waiver request; it was seconded by Commissioner Honea and unanimously approved.

Commissioner Greenwood made a Motion to Close the Public Hearing and Issue the Order of Conditions; it was seconded by Commissioner Honea and unanimously approved.

ACTION ITEMS:

6 Manning Way

Present in Interest: Bill MacLeod

Staff Recommendation: Insignificant.

Request for Finding of Significance for the relocation of the forced sewer line to the left side of the house and flagging to be reestablished to comport to plan.

Commissioner Driscoll made a Motion to find the change Insignificant to the Wetlands Protection Act; it was seconded by Commissioner Greenwood and unanimously approved.

87 Porter Road

Present in Interest: Brian Charron

Staff Recommendation: Insignificant.

Request for Finding of Significance for changes which include removal of a portion of the driveway and installation of a recharge trench and removal of the pervious pavers. Removal of 400 sf of paved area in 25-50 buffer of vernal pool. Removal of the pavement is beneficial to the vernal pool and conversion of the 400 sf to a grassy vegetated area is an environmental plus.

Commissioner Greenwood asked that the 400 sf area not be available as a parking area.

Commissioner Honea made a Motion to find the change Insignificant with the plantings or vegetation (not lawn) be done upon removal of the pavement with no parking in the 400 sf area and it remain pervious in perpetuity; it was seconded by Commissioner Greenwood and approved with 1 opposed.

22 Gould Road

Present in Interest: Steve Franciosa, Chris Franciosa and Joe Franciosa and Dave Leach

Staff Recommendation: Insignificant.

Request for Finding of Significance for changes which include removal of cabana and pool and reduction in square footage of dwelling all outside the 100 foot buffer. This is a significant improvement from the existing plan. Ann Marton will provide a limited monitoring proposal. Chairman Cooper questioned how the new change (plan) would be recorded or documented. He requested the Applicant file for an Amended Order of Conditions but would be allowed to begin work.

Commissioner Greenwood made a Motion to find the change Insignificant and the Applicant to file for an Amended Order of Conditions within 30 days; it was seconded by Commissioner Driscoll and unanimously approved.

18 River Road

Staff Recommendation: Insignificant.

Request for Finding of Significance for changes which include a change in footprint of the dwelling and driveway reconfiguration. Structure will be closer to the wetland, but still well beyond the 50 foot setback.

Commissioner Driscoll made a Motion to find the change Insignificant; it was seconded by Commissioner Honea and unanimously approved.

25 New England Business Center Drive

Present in Interest: Alan Clapp

Staff Recommendation: Issue Order of Conditions.

Issuance of Order of Conditions.

Commissioner Driscoll made a Motion to Issue the Order of Conditions; it was seconded by Commissioner Townson and approved with Commissioner Porter abstaining.

CONSENT AGENDA:

Minutes

Approval of minutes from August 5, 2014.

600/800 Federal Street

Issuance of a Certificate of Compliance.

Commissioner Driscoll made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Townson and unanimously approved.

1350 South Street

Issuance of a Certificate of Compliance.

Commissioner Greenwood made a Motion to Approve; it was seconded by Commissioner Driscoll.

3 Torr Street

Issuance of a Certificate of Compliance.

Tabled at request of staff.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

Tennessee Gas Pipeline

Chairman Cooper recused himself and left the meeting.

John Hess informed the Commission that AVIS has endorsed the alternate routes keeping the pipeline out of AVIS and Conservation lands. Kinder Morgan will not agree to meet with the general public. The Town is trying to schedule a meeting with the Selectmen and Town Staff. Selectmen want an open, public meeting so the community can hear the reasoning for denying alternate routes but have no input into the discussion.

Commissioner Driscoll asked the Commission to vote to ask the Board of Selectmen to consider becoming interveners when appropriate.

Commissioner Greenwood made a Motion to ask the Board of Selectmen to become interveners when appropriate; it was seconded by Commissioner Honea and unanimously approved.

83 Porter Road

Present in Interest: Scott Follansbee

Ratification of a Second Enforcement Order for failure to keep work inside the permitted area of the project. Jeff Bridge noted work past the limit of the property line.

Commissioner Driscoll made a Motion to Ratify the Enforcement Order; it was seconded by Commissioner Townson and unanimously approved.

Chairman Cooper nominated Commissioner Kevin Porter as Vice-Chairman. Commissioner Driscoll made a Motion to appoint Kevin Porter as Vice-Chairman; it was seconded by Commissioner Greenwood and unanimously approved.

Chairman Cooper appointed Commissioner Ellen Townson as the Outreach Commissioner for public relations and community activities. Commissioner Greenwood made a Motion to appoint Commissioner Ellen Townson as the Outreach Commissioner; it was seconded by Commissioner Driscoll and unanimously approved.

The next meeting will be held September 2, 2014 at 7:45pm.

The meeting was adjourned at 10:10 pm by Motion of Commissioner Driscoll and seconded by Commissioner Townson and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**